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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 464/2006

SMT. SITA DEVI Vs. STATE OF RAJASTHAN

DATE: 04.04.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Ashotosh Bhatia for the accused-petitioner.
Mr. B.S. Chhaba, Public Prosecutor for the State.

The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the accused-petitioner against the order dated 22.03.2006 passed by the Additional Sessions Judge (Fast Track), No.1, Jaipur District, Jaipur in Sessions Case No. 11/2006, whereby charge for the offence under Section 306 IPC has been framed against the petitioner.

Brief facts of the case are that FIR No. 233/2005 was registered for the offence under Sections 302 IPC and investigation commenced. After investigation, the police filed charge sheet against the petitioner for the offence under Section 306 IPC and the case was committed for sessions trial.

The trial Court vide its impugned order dated 22.03.2006 framed charge against the petitioner for the offence under Section 306 IPC without considering the ingredients of Section 306 IPC whether there is

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instigation and abetment and in consonance of abetment and instigation suicide has been committed, whereas the case of the prosecution as per the FIR lodged is under Section 302 IPC.

Without expressing any opinion on the merits of the case, in the interest of justice, I only deem it proper to quash and set-aside the order impugned dated 22.03.2006 passed by the Additional Sessions Judge (Fast Track) No.1, Jaipur District, Jaipur and remand the matter back to the Court below to consider each and every aspect and also consider the aspect whether on the abetment by the accused-petitioner the deceased committed suicide or not, and if the Court below is satisfied that the accused-petitioner is the abettor and after having satisfied with the ingredients of Section 306 IPC, shall pass the order framing the charge afresh.

With the aforesaid observations, the revision petition stands disposed of.

Record be sent back forthwith.

(K.S. RATHORE), J.

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